

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Jerry T. Sanders,)	C/A No. 9:06-1705-JFA-GCK
)	
Plaintiff,)	
v.)	ORDER DISMISSING ACTION
)	
)	
Solicitor Jay Hodges; Sherrie Baugh,)	
and Darlington Detention Center)	
Director,)	
)	
Defendants.)	
_____)	

This matter is before the court for review of the Magistrate Judge's Report and Recommendation made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b)(1).

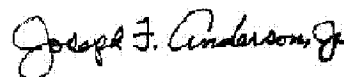
The *pro se* plaintiff, is a pretrial detainee at the Darlington County Detention Center. He brings this action pursuant to 42 U.S.C. § 1983 claiming wrongful imprisonment and seeking monetary damages. He names the prosecuting attorneys in his state criminal proceedings as the defendants.

The Magistrate Judge has filed a detailed and comprehensive Report and Recommendation suggesting that the complaint should be dismissed for failure to state a claim on which relief can be granted. The Magistrate Judge also notes that this complaint duplicates an earlier complaint filed by the plaintiff in Civil Action No. 9:06-842-JFA-GCK. The plaintiff was advised of his right to file specific objections to the Report. However, the plaintiff has not filed any objections within the time limits prescribed by the Local Rules for this District.

The court has reviewed the record in this case, finds the Magistrate Judge's Report and Recommendation to be proper, and incorporates the Report herein. Accordingly, this action is dismissed without prejudice and without issuance and service of process. The court also deems this dismissal as a "strike" under the "three strikes" rule of 28 U.S.C. § 1915(g).

IT IS SO ORDERED.

September 1, 2006
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge